

E7G5abaS

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

13 Cr. 304 (MGC)

5 AHMED ABASSI,

6 Defendant.

7 -----x

8 New York, N.Y.

9 July 16, 2014

2:50 p.m.

10 Before:

11 HON. MIRIAM GOLDMAN CEDARBAUM,

12 District Judge

13  
14 APPEARANCES

15 PREET BHARARA

United States Attorney for the

16 Southern District of New York

MICHAEL FERRARA

17 JOHN CRONAN

Assistant United States Attorney

18 FEDERAL DEFENDERS OF NEW YORK, INC.

Attorneys for Defendant

19 BY: SABRINA SHROFF

20 EUGENIE MONTGAINE

MAX BARSKY

21 ALSO PRESENT: MARWAN AL RAHMAN, Arabic interpreter

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sentence

(Case called)

THE COURT: Mr. Abassi, have you read the presentence report prepared by the probation department?

THE DEFENDANT: Yes, your Honor, I did.

THE COURT: Did you find any errors that you would like to correct?

THE DEFENDANT: No.

THE COURT: Very well, then, because I intend to follow the recommendation of the probation department.

THE DEFENDANT: Okay. Thank you.

THE COURT: I will hear anything you want to tell me about sentence and anything your lawyer wants to tell me about sentence.

Do you want to speak first or do you want your lawyer to speak first? What would you prefer?

THE DEFENDANT: I would like my attorney to speak first.

THE COURT: Very well.

MS. SHROFF: Good afternoon, your Honor.

Having heard the Court's intention of imposing the sentence recommended by the department of probation which is a sentence of time-served, given the 15 months Mr. Abassi has been incarcerated at the MCC, I have nothing to add.

THE COURT: Very well.

Does the government have anything to add?

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sentence

1 MR. FERRARA: Your Honor has our sentencing  
2 submission.

3 THE COURT: Of course. I have read everybody's  
4 submissions.

5 MR. FERRARA: Yes, your Honor. We will rest on our  
6 papers.

7 THE COURT: Very well.

8 Mr. Abassi, you have pleaded guilty to the charge  
9 against you and you have agreed to be removed from the country?

10 THE DEFENDANT: This is correct, your Honor.

11 THE COURT: Very well. I now sentence you to  
12 time-served which is about 15 months, as your lawyer said.

13 THE DEFENDANT: Thank you.

14 THE COURT: And I have already ordered that you be  
15 removed to Tunisia.

16 THE DEFENDANT: Thank you.

17 THE COURT: Very well.

18 I hope that you will take the time to reflect when you  
19 get home on what has caused you a lot of trouble for what you  
20 have caused yourself a lot of trouble over and will make a  
21 resolution, an internal resolution, yourself, that you will  
22 never again violate any statute of the United States. If that  
23 is your intention, I wish you very good luck.

24 THE DEFENDANT: Thank you. Thank you, your Honor.

25 THE COURT: Very well.

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sentence

1           You may be seated. Do you want me to advise about  
2 appeal?

3           MR. FERRARA: It is probably appropriate, your Honor.  
4 And, the government would also move to dismiss the open counts  
5 against Mr. Abassi.

6           THE COURT: Very well. I grant that application.

7           I dismiss the counts other than the two counts that  
8 have been pled to and you should discuss with your lawyer  
9 whether you want to appeal my sentence, Mr. Abassi. If you do,  
10 you have a short period of time, 10 days, in which to decide  
11 whether you are going to file a notice of appeal. You should  
12 discuss that with your lawyer and if you wish to do so, you  
13 have to make up your mind pretty promptly.

14          THE DEFENDANT: No, that's fine. That's okay.

15          THE COURT: Well, you can think about it.

16          THE DEFENDANT: Okay.

17          THE COURT: Good. Very well.

18          MR. FERRARA: Your Honor, there is the \$200 special  
19 assessment.

20          THE COURT: Thank you very much.

21          I am reminded, number one, I am not imposing a fine  
22 because you do not have the money to pay a fine but there is,  
23 in the statute, a requirement that you pay a special assessment  
24 of \$100 on each of the counts.

25          Are you able to pay that?

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sentence

1 THE DEFENDANT: My family will be paying for me.

2 THE COURT: Very well. That's fine.

3 There is no restitution here, is that correct?

4 MR. FERRARA: No restitution, no forfeiture.

5 Your Honor would also, possibly, want to address  
6 supervised release.

7 THE COURT: Thank you. I do.

8 MR. FERRARA: We don't think it is necessary here  
9 given imminent deportation but it is worth putting on the  
10 record, your Honor.

11 THE COURT: Right. Right. I agree.

12 I am also directing that you be subject to one year of  
13 supervised release on each count to which you have pleaded, on  
14 each of the two counts to which you have pleaded.

15 THE DEFENDANT: Okay.

16 THE COURT: But I take it that you -- well, I don't  
17 know whether you have the ability to pay. You will probably  
18 not be in this country to do that.

19 THE DEFENDANT: That's correct.

20 THE COURT: And if you should return it would be much  
21 more than that, so whether supervised release is even  
22 appropriate here is not clear.

23 MS. SHROFF: Your Honor, it is the Department of  
24 Probation's policy to not impose a sentence of supervised  
25 release when the person is being deported. We have no

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1 objection if the Court wants --

2 THE COURT: I understand. I understand. They did not  
3 make that clear in their report.

4 MS. SHROFF: It is fine.

5 THE COURT: But it seems to be unnecessary, I agree  
6 with you.

7 MS. SHROFF: Your Honor, to the extent that the Court  
8 does want to impose supervised release, am I correct in  
9 assuming that it's one year concurrent on both counts?

10 THE COURT: One year concurrently on both counts,  
11 correct.

12 MS. SHROFF: Thank you.

13 THE COURT: Is there anything further?

14 MR. FERRARA: Nothing from the government, your Honor.

15 MS. SHROFF: Not from Mr. Abassi, your Honor. Thank  
16 you.

17 THE COURT: Very well.

18 Mr. Abassi, I hope that you will think very seriously  
19 about the events of the last year and will decide to always  
20 abide by the laws of the United States. And if you do that, I  
21 wish you good luck.

22 THE DEFENDANT: Thank you, your Honor. I agree with  
23 you. Thank you.

24 THE COURT: Good. Very well. You're all excused.

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